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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/767,277	01/28/2004	Douglas M. Csaszar	85921SLP	4290
7590	11/09/2006		EXAMINER	
Pamela R. Crocker Patent Legal Staff Eastman Kodak Company 343 State Street Rochester, NY 14650-2201			KOHNER, MATTHEW J	
			ART UNIT	PAPER NUMBER
			3653	
			DATE MAILED: 11/09/2006	

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	10/767,277	CSASZAR ET AL.	
	Examiner	Art Unit	
	Matthew J. Kohner	3653	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1) Responsive to communication(s) filed on 28 August 2006.
 2a) This action is **FINAL**. 2b) This action is non-final.
 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4) Claim(s) 1,2,4 and 6-13 is/are pending in the application.
 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
 5) Claim(s) _____ is/are allowed.
 6) Claim(s) 1,2,4 and 6-13 is/are rejected.
 7) Claim(s) _____ is/are objected to.
 8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9) The specification is objected to by the Examiner.
 10) The drawing(s) filed on _____ is/are: a) accepted or b) objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 a) All b) Some * c) None of:
 1. Certified copies of the priority documents have been received.
 2. Certified copies of the priority documents have been received in Application No. _____.
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)	4) <input type="checkbox"/> Interview Summary (PTO-413)
2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)	Paper No(s)/Mail Date. _____
3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)	5) <input type="checkbox"/> Notice of Informal Patent Application
Paper No(s)/Mail Date _____	6) <input type="checkbox"/> Other: _____

DETAILED ACTION

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1, 2, 6, 7, 8, 10, 11, 12 and 13 are rejected under 35 U.S.C. 102(b) as being anticipated by US Patent No. 5,441,251 to Ohta (*hereinafter “Ohta ‘251”*).

Ohta ‘251 discloses a cassette for a sheet-shaped image medium having a substantially planar surface, comprising:

- a box member (130) adapted to house the medium therein, the box member being provided with an opening (140) through which the medium can be fed into and out of the box member along a first substantially planar direction;
- a pivotable access member (142) attached to the box member and pivotably movable about an axis substantially perpendicular to the first direction between a first position wherein the access member is disposed in the opening and a second position wherein the access member is not disposed in the opening; and
- a transport member (138) disposed within the box member configured to move solely in translation, the transport member translating in the first substantially planar direction (see Fig. 15) to move the medium into and out of the box member through the opening when the access

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member is in the second position, the transport member having a substantially planar surface which contacts the planar surface of the medium when the transport member is moving the medium into and out of the box member (see Fig. 15 wherein the planar surface of the contact member contacts a planar surface of the phosphor plate (i.e. the back end of the phosphor sheet is a planar surface which is contacted by the transport member)).

In regard to claim 2, Ohta '251 discloses phosphor sheet (12).

In regard to claim 6, see Fig. 15, where bottom of pusher (138) has planar surface (front edge) in contact with surface (back edge) of medium.

In regard to claim 7, see Fig. 15, where the access member (142) is moved by the same movement of the transport member since the action of the transport member moving the plate out of the cassette is, in fact, what moves the access member out of the way.

In regard to claim 8, Ohta '251 discloses an assist mechanism (146) biased on the first direction to promote translation of the pusher.

In regard to claim 10, Ohta '251 discloses a guide (134).

In regard to claim 11, Ohta '251 discloses the cassette is created from resin (col. 7, line 47).

In regard to claim 12, Ohta '251 discloses access member (142) which is biased in a first position via an internal elastic (i.e. spring-like) quality (see Fig. 15).

In regard to claim 13, see Fig. 15 where the access member would remain inside the cassette even while being moved upward by the phosphor plate.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claim 4 is rejected under 35 U.S.C. 103(a) as being unpatentable over Ohta '251 in view of Pfeiffer.

Ohta '251 does not disclose neoprene attached to the surface of the pusher. Pfeiffer discloses attaching a foamy plastic onto a transport member (col. 2, lines 45-47). It would have been obvious to one of ordinary skill in the art at the time the invention was made to attach a piece of foamy plastic material (such as neoprene) to the contact surface of the pusher, as taught by Pfeiffer, since it would provide cushioning and protection for the phosphor sheet.

Claim 9 is rejected under 35 U.S.C. 103(a) as being unpatentable over Ohta '251 in view of Imai.

Ohta '251 does not specifically disclose the size of the distance of translation of the transport member. However, Imai discloses that the size of a phosphor sheet is 430mm by 430 mm (col. 23, lines 66-67). Given those dimensions, it would have been obvious to one of ordinary skill in the art at the time the invention was made, that the displacement amount as taught by Ohta (see Fig. 15 and 19), is about 50.8mm –127mm.

Response to Amendments / Arguments

Applicant's amendments to the claims have overcome the 112 rejections of the previous office action. Applicant has argued that the rejections based on US Patent No. 6,068,439 to Ohta and 2,056,279 to Kulick are overcome since the amended claims require that the transport member move solely in translation (i.e. uniform movement of a body in a straight line – Merriam-Webster's Collegiate Dictionary, 10th Edition). This amendment overcomes the references since transport member in each does not move in a straight line. Applicant has also argued that US Patent No. 5,441,251 to Ohta is overcome since the claim now requires the transport member to have “a substantially planar surface which contacts the planar surface of the medium when the transport member is moving the medium ...” Examiner disagrees that this overcomes the Ohta '251 reference since Ohta does disclose a transport member which has a substantially planar surface which contacts the planar surface of the medium (i.e. the back of the medium) when the transport member is moving the medium. Hence the rejection is maintained.

Applicant has also argued that claim 4 overcomes the prior art combination of Ohta '251 in view of US Patent No. 4,434,501 to Pfeiffer, since the neoprene in applicant's invention is for frictional purposes whereas in Pfeiffer the purpose of the foamy plastic is cushioning and protection. Examiner disagrees that claim 4 defines over the combination of references. The fact that Applicant uses the neoprene for a different purpose does not alter the conclusion that its use in a prior art device would be *prima facie* obvious from the purpose disclosed in the reference. *In re Lintner*, 173 USPQ 560.

Conclusion

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Matthew J. Kohner whose telephone number is 571-272-6939. The examiner can normally be reached on Mon-Fri 9-5:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Patrick Mackey can be reached on 571-272-6916. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Matthew J. Kohner
Examiner
Art Unit 3653

mjk



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